

# Exhibit C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

iFLY HOLDINGS LLC,

Plaintiff,

v.

INDOOR SKYDIVING GERMANY GMBH,

Defendant.

CIVIL ACTION NO. 2:14-CV-01080-JRG-RSP

**AFFIDAVIT OF ANDY MALCHIODI  
IN SUPPORT OF INDOOR SKYDIVING GERMANY GMBH'S  
MOTION TO DISMISS AND/OR TRANSFER**

I, Andy Malchiodi, declare as follows:

1. I am one of the partners of the Phoenix project. I submit this affidavit in support of Indoor Skydiving Germany GmbH's ("ISG") motion to dismiss for lack of personal jurisdiction and/or motion to transfer venue. Unless otherwise indicated, I have personal knowledge of the facts set forth in this affidavit and, if called as a witness, could and would competently testify to them.

2. I am a professional skydiver and a California resident. I live and work in Lake Elsinore, California.

3. In late 2013, Jason Peters shared with me the business idea to build a skydiving simulator in Phoenix, Arizona.

4. On July 8, 2014, Schmit, Reising and I flew to Germany to meet with ISG. Peters had traveled to Germany the previous day. Together we met with ISG at its offices in Gladbeck, Germany to negotiate the terms of a potential future sale. We reached an agreement that

allowed, but did not require FliteShop Phoenix LP to buy an ISG wind tunnel for the Arizona project. The agreement simply gave us the option of ordering an ISG wind tunnel in the future. To date, no formal order has been placed.

5. Jason Peters, Gary Schmit, Max Reising and I formed a limited partnership, FliteShop Phoenix LP, for the purpose of funding and developing a skydiving simulator to be built in Phoenix, Arizona. Reising handled the formalization of this partnership.

6. I live in Lake Elsinore, California. It is more convenient for me to attend deposition and trial in Phoenix Arizona than in Marshall, Texas. I do not regularly travel to East Texas. It would incur substantial expense, lost time at work, and other personal inconveniences if I had to travel to East Texas for trial. Any relevant documents concerning the wind tunnel project would be located in Lake Elsinore, California.

I do solemnly declare and affirm that under the penalties of perjury of the laws of the United States of America that the contents of this affidavit are true to the best of my knowledge, information, and belief. Executed this 25 day of March, 2015.

  
Andy Malchiodi